

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Joint Petition for Forbearance from the)	
Current Pricing Rules for the Unbundled)	WC Docket No. 03-189
Network Element Platform)	
_____)	

**REPLY COMMENTS OF THE
UNITED STATES TELECOM ASSOCIATION**

The United States Telecom Association (USTA),¹ through the undersigned and pursuant to Federal Communications Commission (FCC or Commission) Rules 1.415 and 1.419,² hereby submits its reply comments in response to the *Public Notice*³ in the above-docketed proceeding.⁴ In these reply comments, USTA responds to comments filed by other interested parties.

To the extent that commenters in this proceeding argue that the Commission cannot forbear from its pricing rules because they claim BellSouth, SBC, and Qwest (Joint Petitioners) have not demonstrated that the requirements of Section 10(d)⁵ of the Communications Act of 1934, as amended (Act), have been met, USTA reiterates and incorporates by reference the reply

¹ USTA is the Nation's oldest trade organization for the local exchange carrier industry. USTA's carrier members provide a full array of voice, data and video services over wireline and wireless networks.

² 47 C.F.R. §§ 1.415 and 1.419.

³ *Public Notice*, WC Docket No. 03-189, DA 03-2679 (rel. Aug. 18, 2003) soliciting comment on the Joint Petition of Qwest, BellSouth, and SBC for Expedited Forbearance from the Commission's Current Pricing Rules for the Unbundled Network Element Platform (*Public Notice*).

⁴ Joint Petition of Qwest Corporation, BellSouth Telecommunications, Inc. and SBC Communications Inc. for Expedited Forbearance, WC 03-189, filed July 31, 2003 (Petition).

⁵ 47 U.S.C. §160(d).

comments it filed in support of the similar Petition for Forbearance filed by Verizon.⁶ As USTA emphasized in those reply comments, there is nothing in Section 10(d) of the Act that prevents the Commission from forbearing from its pricing rules. The Commission's total element long-run incremental cost (TELRIC) pricing rules are not statutory. The Commission has wide latitude in determining what the cost of network elements is and it is free to establish a pricing structure other than TELRIC.

Respectfully submitted,

UNITED STATES TELECOM ASSOCIATION

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⁶ See USTA Reply Comments, *Petition of the Verizon Telephone Companies for Forbearance from the Current Pricing Rules for the Unbundled Network Element Platform*, WC Docket No. 03-157 (Sept. 2, 2003).

CERTIFICATE OF SERVICE

I, Meena Joshi, do certify that on October 7, 2003, the aforementioned Reply Comments of The United States Telecom Association were electronically mailed to the following:

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